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SOURCE Dziennik Ustaw.

POLISH LAW ON THE QUARTERING OF ARMED FORCES

The following is the text of the Law of 27 April 1951 on the Quartering of Armed Forces, Item 194 of Dziennik Ustaw, No 26, 1951.

PART I. GENERAL REGULATIONS

Article 1

a. Quartering of Armed Forces shall be performed as prescribed by the law stated herein.

b. Quartering provisions cover land, lodgings, and other buildings required for the disposition and training of the Armed Forces.

Article 2

Quarters may be permanent or temporary.

Article 3

a. Permanent or temporary quarters are assigned for the permanent or temporary housing of the following:

(1) Soldiers and, in certain instances as specified in the law, civilians employed by the Armed Forces

(2) All equipment required by the Armed Forces -- furniture, offices, sentry boxes, school buildings, medical and other buildings, post exchanges, repair shops, warehouses, animal quarters, etc.

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b. The Minister of National Defense shall issue specifications for the construction of permanent quarters according to type and purpose, for methods of fire protection, and for the installation of lighting, heating, and sanitation.

PART II. QUARTERING

Section 1. Permanent Quarters

Article 4

Permanent quarters shall be established in buildings belonging to the military authorities or in buildings leased for the purpose.

Article 5

If the buildings under the administration of the military authority in a given locality are not adequate to house the Armed Forces, the presidiums of the township national councils shall, on the request of the military authorities, assign the required billets.

The manner and basis of allotment by the presidiums of the township national councils and the amount of rental to be paid shall be determined by the Minister of Communal Economy in agreement with the President of the Council of Ministers, the Chairman of the State Economic Planning Commission, and the Ministers of National Defense and Finance.

Article 6

Buildings required for the quartering of the Armed Forces may also be procured by the military authorities according to regulations on the procurement and transfer of buildings indispensable for the realization of the national economic plans.

Section 2. Billeting

Article 7

a. Billeting of a temporary nature is applicable in the following instances:

(1) Changes in the disposition of the Armed Forces and the organization of new units

(2) Military drills, training, and mustering

(3) Maneuvers, concentration, and troop movements

(4) Registration and conscription

(5) Travel on official business and temporary duty by soldiers and civilian employees of the Armed Forces away from the official station

b. In event of mobilization, war, or the issuance of an order by the Council of Ministers for military service in the interests of national defense, billeting is also applicable in instances other than those specified in Paragraph a.

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Article 8

a. Billets are assigned first in buildings under the administration of military authorities.

b. If the military authorities cannot supply adequate billets in buildings under their administration as specified in Paragraph a above, billets shall be assigned in suitable buildings owned by state authorities, bureaus, and institutions, or other legal entities and individuals except those mentioned in Article 16.

Article 9

Billets shall include equipment and lighting, and heating from 15 October to 15 April.

Article 10

Depending on local conditions, billets should be equally distributed over the various powiats and townships if possible.

Article 11

a. A written requisition by the military authorities is required for billeting military units as specified in Article 8, Paragraph b. Billeting of individual soldiers and civilian personnel, referred to in Article 7, Paragraph a (5), will require approval by the military authority on the travel order or other authorized document.

b. In event of mobilization or war, or if the Council of Ministers orders military service in the interests of national defense, the travel order or any other travel document or even verbal requests made by a military authority or persons mentioned in Paragraph a shall constitute a proper billet order.

Article 12

a. The military authorities shall transmit residence billets to the presidium of the powiat national council, and in Warsaw and Lodz and cities constituting a powiat, to the presidiums of the national councils of these cities.

b. Residence billets should be transmitted at least 10 days before the date on which the Armed Forces are to take possession of the quarters.

c. In urgent cases or billeting of single individuals or parties numbering under 20, the military authority may direct the billet directly to the presidium of the national council of the proper township or city or to the magistrate, disregarding the 10-day clause.

d. Paragraph c pertains also to the quartering of individual soldiers and civilian personnel on the authority of travel orders or other travel documents issued by the military authorities.

e. In event of mobilization, war, or the Council of Ministers' order for military service in the interests of national defense, military authorities, individual soldiers, and civilian personnel, as specified in Article 7, Paragraph a (5), shall present requisitions or documents mentioned in Article 11 or make a verbal request for billets to the presidium of the national council of the proper township or city or to the magistrate directly. Paragraph c applies in appropriate instances.

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Sanitized Copy Approved for Release 2011/08/25 : CIA-RDP80-00809A000600400797-3

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Article 13

a. Occupation of quarters mentioned in Article 8, Paragraph b, is by billet order issued by the presidium of the township, municipal, or city district national council. Occupation of quarters in properties occupied by state authorities, offices, and institutions is by order of the powiat national council, and in Warsaw and Lodz and cities constituting a powiat, by the national council of those cities. In instances mentioned in Article 12, Paragraph e, possession is obtained by order of the presidium of the township, municipal, or city district national council.

b. Billets may not be occupied until 2 days after the billet order has been delivered to the occupant of the quarters. This does not apply in instances covered by Article 12, Paragraphs c, d, and e.

Article 14

a. In special cases where circumstances do not permit the procedure indicated in Articles 12 and 13, or if the quarters are not turned over as requested, the military authority may take possession on its own authority.

b. If possession is taken according to Paragraph a, the military authority shall immediately request the authority mentioned in Article 13 to issue a billet order. If the billet order is not received within 14 days after the quarters are occupied, the military authority shall release the quarters. This does not apply to instances covered by Article 12, Paragraph e.

Article 15

a. Quarters administered by state authorities, bureaus, and institutions are subject to billeting, provided the billeting does not hamper their normal activities.

b. In occupying billets belonging to individuals, care must be taken to occupy first vacant space or space belonging to persons who voluntarily offer the billets, and then other space, distributing the burden as equally as possible.

Article 16

a. The following space is not subject to billeting:

(1) Libraries, museums, and archives

(2) State manufacturing enterprises

(3) Buildings used for religious purposes

(4) Space occupied by foreign diplomatic representatives, diplomatic missions, consular offices, and their personnel insofar as they are citizens of the country they represent, in accordance with principles of reciprocity; also international institutions, and persons who enjoy diplomatic immunity on the basis of international agreements.

b. Medical and veterinary institutions may be occupied by army health services or veterinary services only.

c. The Minister of National Defense, in agreement with the ministers concerned, may designate other quarters to be exempt from billeting.

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Sanitized Copy Approved for Release 2011/08/25 : CIA-RDP80-00809A000600400797-3

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Article 17

a. Billet orders issued by the presidiums of township, municipal, or city district national councils may be rescinded by a higher national council, whose decisions are final. Persons involved have the right of appeal to a higher national council.

b. The appeal should be submitted to the presidium of the national council which issued the order within 7 days from date of receipt.

c. Submitting an appeal does not cancel the obligation to carry out the order.

Article 18

a. Rent shall be paid for billets in quarters not under the administration of state bureaus and institutions. This rent will include space, equipment, heat, and light.

b. The basis of determining the rent, its amount, and the manner of payment shall be designated by the Minister of National Defense in agreement with the Ministers of Communal Economy and Finance.

Article 19

a. Billets may not be occupied for a period longer than 6 months.

b. Paragraph a does not apply in event of mobilization, war, or military service ordered by the Council of Ministers in the interest of national defense.

Article 20

When vacating a billet, the military authority or the person occupying the billet shall give the owner or lessee of the property a written statement showing the length of occupancy.

Article 21

a. The military authority is responsible to the owner for damage to quarters caused by the occupant. The military authority is entitled to reimbursement by the occupant.

b. Paragraph a above applies also to Articles 24 and 25.

PART III. QUARTERING ON GROUNDS

Article 22

a. Regulations on permanent and temporary quartering in indoor premises (Part II) also apply to permanent and temporary quartering on grounds necessary for the disposition and training of the Armed Forces (camps, training grounds, proving grounds, rifle ranges, airfields, storage dumps, etc.).

b. Paragraph a does not apply to lands under the administration of the Ministry of Agriculture and Land Reform and under the Ministry of Forestry. The Ministries of National Defense, Agriculture and Land Reform, and Forestry shall decide the procedure in selecting and occupying these lands for permanent and temporary quarters.

Sanitized Copy Approved for Release 2011/08/25 : CIA-RDP80-00809A000600400797-3

Sanitized Copy Approved for Release 2011/08/25 : CIA-RDP80-00809A000600400797-3

50X1-HUM

Article 23

a. If in the course of military training it becomes necessary to designate occupied buildings as being within a danger zone, the military authority shall request the presidium of the powiat national council concerned to order the temporary evacuation of the occupants of these buildings and provide them temporarily with other quarters. Admittance to the restricted area may be prohibited by the military authorities to all persons other than those involved in the operation.

b. The Minister of National Defense, in agreement with the Ministers of Communal Economy, Agriculture and Land Reform, and Forestry, shall decide the procedure to be used in operations described in Paragraph a above.

Article 24

a. Owners or lessees of lands or buildings used for military operations or included in the restricted area are entitled to indemnity for damage.

b. Whenever possible, the military authority shall settle damage claims on the spot without delay.

Article 25

a. Should the military authority and the claimant disagree as to the responsibility for damage or the amount of claim, the matter shall be referred to the presidium of the powiat national council, which will decide the matter according to regulations on administrative procedure.

b. The claimant has 14 days from the date the decision is handed down to make an appeal to the wojewodztwo national council. The latter's decision is final.

PART IV. SPECIFIC REGULATIONS

Section 1. Soldiers' Quartering Privileges

Article 26

Soldiers are quartered in permanent quarters, group or individual, or in temporary billets.

Article 27

a. Permanent quarters are assigned to soldiers on active military service.

b. In specific instances enumerated in Article 7, Paragraph a (5), temporary quarters are issued to the following:

(1) Soldiers on active military service

(2) Civilian personnel employed by the Armed Forces

c. Soldiers on active military service retain their right to permanent quarters regardless of whether they have received temporary quarters.

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d. The Minister of National Defense or military authorities empowered by him may assign individual or group permanent quarters to civilian personnel employed by the Armed Forces and individual permanent quarters to career soldiers relieved of active duty.

Article 28

a. A quarters allowance may be approved for a career soldier entitled to permanent individual quarters if the military authority cannot provide quarters at the place of his tour of duty.

Article 29

The Minister of National Defense shall establish the period during which a person is entitled to permanent or temporary quarters. He shall also establish the procedures to be used in assigning and releasing quarters and the purpose for which they are to be used, and shall designate the military authority in charge.

Section 2. Permanent Common Quarters

Article 30

a. Privates and noncommissioned officers undergoing basic military training or on other active military service, and career noncommissioned officers who are single and have no dependent children, will be quartered in permanent common quarters at the expense of the military authorities.

b. Paragraph a may also apply in the case of career officers and noncommissioned officers who are married or have dependent children when they are at military training schools. Article 27, Paragraph c applies to the quartering of career officers and noncommissioned officers with dependent families.

Article 31

Common quarters consist of furnished rooms with light, heat, and water supplied.

Article 32

The Minister of National Defense shall determine the size of permanent common quarters and the equipment required, and shall supply norms for light, heat, and water. He shall also establish the procedure in assigning soldiers specified in Article 30, Paragraph b, to common quarters and shall designate the proper authorities for the task.

Section 3. Permanent Individual Quarters

Article 33

a. Generals and career officers and noncommissioned officers who are married and support a family are quartered in individual permanent houses.

b. The Minister of National Defense or military authorities empowered by him may assign individual permanent quarters also to career noncommissioned officers who are not married and do not support children.

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Sanitized Copy Approved for Release 2011/08/25 : CIA-RDP80-00809A000600400797-3

Article 34

The Minister of National Defense may order that unmarried career officers or noncommissioned officers who have no dependent children or parents unable to support themselves be housed in permanent quarters, two to a room, in localities where there is a temporary shortage of quarters for the Armed Forces.

Article 35

a. Permanent individual quarters will be assigned by written order of the military quartering authority. The order shall also indicate the persons entitled to share the soldier's residence.

b. Members of the soldier's family living together in one household are entitled to share quarters, as is a housekeeper, if family conditions render the employment of such a person necessary.

c. Paragraphs a and b will also apply in assigning permanent quarters to civilian personnel employed by the Armed Forces (Article 27, Paragraph d).

Article 36

Permanent individual quarters are unfurnished and do not include light, heat, and water.

Article 37

The Minister of National Defense, in agreement with the Chairman of the State Economic Planning Commission, will determine the size of permanent individual quarters to be assigned, depending on local conditions and on the service status, military rank, and family status of the prospective occupant.

Article 38

a. The Minister of National Defense, in agreement with the Minister of Finance, shall establish the rental payment schedule for occupants of individual permanent quarters.

b. If rental payments are not made on time as specified in Paragraph a, they shall be deducted from the occupant's pay, regardless of other deductions being made in accordance with special regulations and for other reasons.

c. If arrears cannot be deducted from the occupant's pay, the military quartering authority may present a statement and collect the amount due in accordance with regulations governing payroll procedure.

Section 4. Temporary Quarters

Article 39

The Minister of National Defense shall establish the procedure governing temporary quartering of soldiers and civilian personnel employed by the Armed Forces and also governing the housing of indispensable equipment for the Armed Forces.

Article 40

Reserve officers called up for military training whose training center is near their permanent residence and who are permitted by the superior authority to live at home while training are not entitled to temporary quarters or to a quarters allowance.

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Sanitized Copy Approved for Release 2011/08/25 : CIA-RDP80-00809A000600400797-3

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Section 5. Releasing Permanent and Temporary Quarters

Article 41

a. On the request of the proper military authority, permanent or temporary quarters must be vacated by the occupant and his entire household on the date specified by the authority (Article 29).

b. If the quarters are not vacated on the date specified, the proper military authority may order the eviction of the occupant and his entire household.

c. The eviction of civilian personnel is carried out by the presidiums of the township, municipal, or city district national councils on the recommendation of the military authority.

d. The Minister of National Defense, in agreement with the Minister of Public Safety and with the approval of the Chairman of the Council of Ministers, will determine the proper authorities and the procedures in eviction cases.

Article 42

The transfer of persons entitled to permanent quarters may be effected only after prior provision of substitute quarters which conform to space norms and are structurally adequate, as specified in Article 37.

Article 43

a. The eviction of a person and his household from permanent quarters at the expiration of the time limit may be effected after prior provision of substitute quarters which conform to space standards and are structurally adequate.

b. Paragraph a does not apply in the following instances:

(1) When a soldier has lost his right to quarters because he has been relieved of duty in the course of penal action according to regulations governing soldiers' military service.

(2) When the removal of a civilian employee of the military administration from permanent quarters was made for reasons which permit the removal of an employee from permanent quarters without obligation to provide substitute quarters.

(3) When the persons removed from quarters located in a city or a community have no right to locate in the given city or community.

(4) When the person to be removed has other quarters.

Article 44

According to regulations, the presidiums of the township or municipal national councils are required, on the request of military authorities, to provide quarters for persons to be evicted.

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PART V. PENAL REGULATIONS

Article 45

a. Any person who in disregard of these regulations fails to comply with orders concerning billeting, equipment, light and heat, and lands, the evacuation of property in a restricted zone, or an order prohibiting entry into such zone, is subject to a prison term of 3 months or a fine of 5,000 zlotys, or both.

b. Any person who hinders the legal and orderly occupation and utilization of quarters and lands assigned for temporary quarters is subject to the same penalty.

c. Decisions in cases specified in Paragraphs a and b are handed down according to penal and administrative procedures.

PART VI. FINAL REGULATIONS

Article 46

In the quartering of internal forces, the rights of the Minister of National Defense and military authorities as described in this law also apply to the Minister of Public Safety and authorities under his jurisdiction.

Article 47

Regulations governing the leasing of space are not applicable to quartering as defined in this law.

Article 48

a. The following laws are repealed:

(1) The law of 15 July 1925 on the quartering of Armed Forces (Item 531 of Dziennik Ustaw, No 82, 1939).

(2) Law of 23 March 1929 on the transfer of state-owned real estate to the Military Quartermasters Fund (Item 269 of Dziennik Ustaw, No 26 /year not specified/.

b. Until such time as executive regulations based on this law are issued, previous regulations remain in force, insofar as they are not contradictory to the law stated herein.

Article 49

The Ministers of National Defense and Public Safety are charged with the execution of this law.

Article 50

The law becomes effective on the day of publication.

President of the Republic of Poland: B. Bierut
Chairman of the Council of Ministers: J. Cyrankiewicz
Minister of National Defense: K. Rokossowski, Marshal of Poland
Minister of Public Safety: St. Radkiewicz

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